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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,787	02/27/2004	Kenneth R. Ganther JR.	34521	9445

7590 11/16/2005  
Hovey Williams LLP  
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EXAMINER

LEDYNH, BOT L

ART UNIT	PAPER NUMBER
2862	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/789,787

Applicant(s)

GANTHER ET AL.

Examiner

Bot LeDynch

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 6 is/are allowed.
- 6) ☒ Claim(s) 1,3,7,9,13-17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 4, 10-12, and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



Bot LeDynch  
Primary Examiner

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 7, 9, 13-17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganther, Jr. et al. (6420868) in view of Hirano et al. (6498483). Ganther Jr. et al discloses substantially the same invention as claimed, except for the FLL not being an unmodulated FLL. Hirano et al discloses a FLL in an unmodulation mode in order to provide a device and a method for adjusting a working point of a non-modulation type SQUID which improve precision of SQUID adjustment and enable automatic adjustment. See col.2 lines 60-64. It would have been obvious to one of ordinary skill in the art to modify Ganther Jr et al by employing an unmodulated FLL in order to provide a device and a method for adjusting a working point of a non-modulation type SQUID which improve precision of SQUID adjustment and enable automatic adjustment.

Claims 1, 3, 7, 9, 13-17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganther, Jr. et al. (6448767) in view of Hirano et al. (6498483). Ganther Jr. et al discloses substantially the same invention as claimed, except for the FLL not being an unmodulated FLL (see Fig.1). Hirano et al discloses a FLL in an

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unmodulation mode in order to provide a device and a method for adjusting a working point of a non-modulation type SQUID which improve precision of SQUID adjustment and enable automatic adjustment. See col.2 lines 60-64. It would have been obvious to one of ordinary skill in the art to modify Ganther Jr et al by employing an unmodulated FLL in order to provide a device and a method for adjusting a working point of a non-modulation type SQUID which improve precision of SQUID adjustment and enable automatic adjustment.

Although specific columns, figures, reference numerals, lines of the reference(s), etc. have been referred to, Applicant should consider the entire applied prior art reference(s).

***Allowable Subject Matter***

Claims 4, 10-12, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5-6 are allowed.

***Response to Amendment***

Applicant's arguments filed 9/13/05 have been fully considered but they are not persuasive. Applicant argues that (1) Ganther only discloses the use of a FLL in cryogenic environments, and (2) Hirano fails to disclose the use of an unmodulated FLL in non-cryogenic environments.

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As to (1), Ganther discloses the use of a FLL in cryogenic environments (see reference numeral 14 in Fig.1). As to (2), Applicant argues against the references individually; and one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). (See also the motivation in the rejection, *supra*). Other Applicant's arguments are moot in view of the allowable subject matter.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Bot LeDinh whose telephone number is 5712722231. The examiner can normally be reached on Maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 5712722180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BL/ 2005



Bot LeDinh, J.D., Ph.D., D.A.  
Primary Examiner